

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONNELL D. JACKSON,

Plaintiff,

v.

CASE NO. 2:13-CV-10203
HONORABLE ARTHUR J. TARNOW

CRAIG MICHELIN, et al.,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF FEES AND COSTS AND DISMISSING WITHOUT
PREJUDICE HIS CIVIL RIGHTS COMPLAINT
AND MOTION FOR APPOINTMENT OF COUNSEL**

Plaintiff Donnell D. Jackson, a federal prisoner currently confined at the Federal Correctional Institution in Milan, Michigan, has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and an application to proceed without prepaying the fees and costs for this action pursuant to 28 U.S.C. § 1915(a).

Although Plaintiff allegedly lacks funds to pay the filing fee for this action, he had a current spendable balance of \$2,008.17 in his prison account as of January 7, 2013 when an administrative officer at the prison certified his financial statement. The Court concludes from the financial data before it that Plaintiff has not established indigence and that he should be able to prepay the filing fee for this action.

Accordingly, the Court **DENIES** Plaintiff's application to proceed without the prepayment of fees and costs and **DISMISSES** his civil rights complaint and his motion for appointment of counsel **WITHOUT PREJUDICE**. Plaintiff may refile his complaint as a new action with payment

of the \$350.00 filing fee. The Court makes no determination as to the merits of the complaint at this time.

IT IS SO ORDERED.

S/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge

Dated: January 30, 2013

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on January 30, 2013, by electronic and/or ordinary mail.

S/Catherine A. Pickles
Judicial Assistant